

MEETING AGENDA
Thursday, January 21, 2016 at 4pm

- CALL TO ORDER
- ROLL CALL
- OPEN PUBLIC MEETINGS ACT STATEMENT
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES – December 3, 2015
- CHAIRMAN’S REPORT (and Council Member Reports)
 - CONSIDERATION OF RESOLUTION – Election of Vice Chair
 - CONSIDERATION OF RESOLUTION – Election of Treasurer
- EXECUTIVE DIRECTOR’S REPORT
- COMMITTEE REPORTS:

LANDOWNER EQUITY & LAND PRESERVATION:

- Report
- CONSIDERATION OF RESOLUTION – Authorization And Approval Of The Publication Of Notice Of Adoption In The New Jersey Register Of The Highlands Open Space Partnership Funding Program And Highlands Development Credit Purchase Program Administrative Rule N.J.A.C. 7:70-1 et seq. (*voting matter with public comment*)

PLAN CONFORMANCE COMMITTEE:

- Report
- CONSIDERATION OF RESOLUTION – Guidelines For Municipalities With Terminated Grants To Reapply To The Plan Conformance Grant Program (*voting matter with public comment*)

REGIONAL MASTER PLAN UPDATE:

- Report
- PUBLIC COMMENTS (*to ensure ample time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised in this period may not be responded to at this time but, where feasible, will be followed up by the Council and its staff.*)
- EXECUTIVE SESSION (*if deemed necessary*)
- ADJOURN

RESOLUTION 2016-1

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL ELECTION OF VICE-CHAIR

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created the public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g. of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, the Highlands Act authorizes the Highlands Council to adopt bylaws; and

WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby elects Kurt Alstede as Vice-Chair of the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 21st day of January, 2016.



Jim Rilee, Chairman

Vote on the Approval of The Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	✓	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	✓
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	_____	_____	_____	✓
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	_____	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	✓	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	✓	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

RESOLUTION 2016-2
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
ELECTION OF TREASURER

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created the public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 6.g. of the Highlands Act authorizes the Highlands Council to conduct its business as needed to effectuate the purposes of the enabling legislation; and

WHEREAS, the Highlands Act authorizes the Highlands Council to adopt bylaws; and


WHEREAS, the Highlands Council has adopted bylaws which provide for the election of officers to more efficiently conduct its business; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

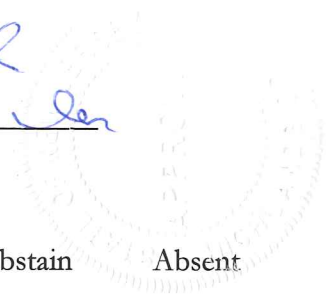
NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby elects Robert F. Holtaway as Treasurer of the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 21st day of January, 2016.



 Jim Rilee, Chairman



Vote on the Approval of The Resolution	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	✓	_____	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	✓
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	_____	_____	_____	✓
Councilmember Holtaway	_____	_____	✓	_____	_____	_____
Councilmember James	_____	_____	✓	_____	_____	_____
Councilmember Richko	✓	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	✓	✓	_____	_____	_____
Councilmember Walton	_____	_____	✓	_____	_____	_____
Chairman Rilee	_____	_____	✓	_____	_____	_____

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 14.f of the Highlands Act also states that conformance with the RMP as it may apply to those portions of a municipality lying within the Planning Area is voluntary and shall be permitted as provided pursuant to Section 15 of the Highlands Act; and

WHEREAS, Section 18.b of the Highlands Act states that the Highlands Council shall make available grants and other financial and technical assistance to municipalities for any revision of their master plans, development regulations, or other regulations in order to bring them into conformance with the RMP; and

WHEREAS, the grants and other financial assistance pay for the reasonable expenses incurred by a municipality and are distributed according to the Plan Conformance Grant program established by the Highlands Council pursuant to the RMP; and

WHEREAS, the Highlands Council shall make the grants and other financial assistance from any State, federal, or other funds that shall be appropriated or otherwise made available to it for that purpose, including monies required to be made available from the Highlands Protection Fund; and

WHEREAS, a municipality wholly or with portions lying within the Planning Area is not required to reimburse to the Highlands Council grant monies expended toward Plan Conformance should the municipality decide not to conform their Planning Area lands to the RMP; and

WHEREAS, certain Planning Area municipalities with previously terminated grant agreements have expressed a desire to reapply to the Plan Conformance Grant program and conform to the RMP; and

WHEREAS, the Highlands Council would like to provide clear guidelines and steps for these Highlands Planning Area municipalities, with terminated grant contracts, to reapply to the Plan Conformance Grant program and conform to the RMP; and

WHEREAS, approval by the Highlands Council of those municipalities that reapply to the Plan Conformance Grant program will be based on the following conditions:

- Submission of a complete Highlands Plan Conformance Grant Reapplication form,
- Submission of a scope of work, timeline and budget, complete with a history of previous grant award payments made by the Highlands Council,
- Submission of a resolution by the municipal governing body stating the municipality's intent to file a Petition for Plan Conformance and authorizing the filing of the Plan Conformance Grant Reapplication,
- Review of all submitted or drafted documents by Highlands Council Staff,
- Review of the Highlands Council's budget and associated grant to determine funding availability, and

RESOLUTION 2016-3
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
GUIDELINES FOR MUNICIPALITIES WITH TERMINATED GRANTS TO REAPPLY TO
THE PLAN CONFORMANCE GRANT PROGRAM

- Highlands Council will not approve grant funding to update previously completed draft work deliverables which require updating solely due to the passage of time; and

WHEREAS, the Highlands Council staff recommends that the Highlands Council authorize the Executive Director to enter into a Grant Reapplication Agreement with any municipality that has submitted a complete application in accordance with the above-mentioned conditions and Council's Plan Conformance Guidelines and that the Executive Director be required to report at regular meetings of the Highlands Council all grants approved and the status of the Plan Conformance Grant Program;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that:

1. The Executive Director, or her designee, is hereby authorized to implement guidelines for the municipalities seeking to reapply to the Plan Conformance Grant Program in accordance with the above-mentioned conditions and Council's Guidelines;
2. The Executive Director, or her designee, is hereby authorized to enter a grant agreement under the Plan Conformance Grants Program with any such municipalities seeking to reapply to the Program that have submitted a complete application in accordance with the above-mentioned conditions and Council's Plan Conformance Guidelines;
3. The Executive Director, or her designee, shall continue to report to the Highlands Council on all approved grants and the status of the Plan Conformance Grant Program at regular meetings of the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 21st day of January, 2016.



Jim Rilee, Chairman

Vote on the Approval of
The Resolution

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	_____	_____	_____	✓ _____
Councilmember Carluccio	_____	_____	✓ _____	_____	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	✓ _____
Councilmember Dressler	_____	_____	✓ _____	_____	_____	_____
Councilmember Francis	_____	_____	_____	_____	_____	✓ _____
Councilmember Holtaway	_____	✓ _____	✓ _____	_____	_____	_____
Councilmember James	_____	_____	✓ _____	_____	_____	_____
Councilmember Richko	✓ _____	_____	✓ _____	_____	_____	_____
Councilmember Sebetich	_____	_____	✓ _____	_____	_____	_____
Councilmember Tfank	_____	_____	✓ _____	_____	_____	_____
Councilmember Visioli	_____	_____	✓ _____	_____	_____	_____
Councilmember Vohden	_____	_____	✓ _____	_____	_____	_____
Councilmember Walton	_____	_____	✓ _____	_____	_____	_____
Chairman Rilee	_____	_____	✓ _____	_____	_____	_____

PRESENT

JIM RILEE)	CHAIRMAN
TRACY CARLUCCIO)	COUNCIL MEMBERS
TIMOTHY P. DOUGHERTY)	
MICHAEL R. DRESSLER)	
ROBERT HOLTAWAY)	
BRUCE JAMES)	
CARL RICHKO)	
MICHAEL SEBETICH)	
JAMES VISIOLI)	
RICHARD VOHDEN)	
ROBERT G. WALTON)	

VIA TELE-CONFERENCE

KURT ALSTEDDE)
MICHAEL TFANK)

ABSENT

MICHAEL FRANCIS)
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CALL TO ORDER 144TH meeting of the New Jersey Highlands Water Protection and Planning Council to order at 4:03pm.

ROLL CALL

Roll call was taken. Vice-Chair Alstede and Member Tfank were present via tele-conference. Council Members Dougherty and Francis were absent. All other Council Members were present. *The following staff members were present: Margaret Nordstrom, John A. Maber, Chris Danis, Kim Ball Kaiser, James Humphries, Maryjude Haddock-Weiler, Herbert August, Carole Ann Dicton, and Tom Tagliareni. Also present were Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matthew Kelly, Deputy Attorney General.*

OPEN PUBLIC MEETINGS ACT

Ms. Tagliareni announced that the meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Highlands Council sent written notice of the time, date, and location of this meeting to pertinent newspapers of circulation throughout the State and posted notice on the Highlands Council website.

PLEDGE OF ALLEGIANCE was then recited.

APPROVAL OF HIGHLANDS COUNCIL MINUTES OF DECEMBER 3, 2015

Chairman Rilee asked for a motion on the Minutes of December 3, 2015.

Mr. James introduced a motion to approve the Minutes of December 3, 2015. Mr. Holtaway seconded it.

A roll call vote was taken. The Minutes of December 3, 2015 were APPROVED 12-0.

CHAIRMAN'S REPORT

As part of the Chairman's report the Council considered the election of officers.

Resolution – Election of Vice Chair

Member Walton made a motion to nominate Member Alstede as Vice-Chair of the Council. Member Visioli seconded the motion.

All members present voted on the Resolution. The Resolution was APPROVED 11-1.

Resolution – Election of Treasurer

Member Richko made a motion to nominate Member Holtaway as Treasurer Council. Member Vobden seconded the motion.

All members present voted on the Resolution. The Resolution was APPROVED 12-0.

EXECUTIVE DIRECTOR'S REPORT

Plan Conformance Implementation Update

Ms. Nordstrom announced that in Plan Conformance Implementation:

- Bethlehem Township, Hunterdon County
 - Zoning Map Amendments: Municipal adoption and deemed consistent
- Tewksbury Township, Hunterdon County
 - Highlands Land Use Ordinance: Municipal adoption and deemed consistent
- Sparta Township, Sussex County
 - Checklist Ordinance: Municipal adoption and deemed consistent
 - Exemption Determination Authorization: municipal adoption and certificate issued.
- Pohatcong Township, Warren County
 - Exemption Determination Authorization: municipal adoption

Municipal Issued Exemptions (Preservation Area)

- Byram Township, Sussex County: Exemption 4 – 1 issued
- Califon Borough, Hunterdon County: Exemption 5 – 1 issued
- Washington Township, Morris County: Exemption 5 – 45 issued

Regional Planner Position

Ms. Nordstrom reported that the Regional Planner position interviews were held in December. Of the six candidates who were interviewed, three received a follow-up project to complete by January

4, 2016. Staff has made a decision on an offer and anticipates announcing the name of the candidate at Council's next meeting.

Ms. Nordstrom also reported that Public Outreach meetings will be held on the following dates:

February 4, 2016, 7:00pm to 9:00pm
The Frelinghuysen Arboretum, 353 E Hanover Ave, Morris Township, NJ 07962 - Haggerty Education Center

February 9, 2016, 7:00pm to 9:00pm
Warren County Technical School, 1500 Route 57, Washington, NJ 07882 – Cafeteria

February 11, 2016, 7:00pm to 9:00pm
Passaic County Community College, 500 Union Avenue, Haskell, NJ 07420 - Wanaque Education Center Dining Room

Land Owner Equity and Land Preservation Committee

Committee Chair Walton gave an update on the committee's efforts related to a water fee to compensate harmed landowners.

Ms. Nordstrom gave an update on the open space rule and the funds currently available for the program. Ms. Nordstrom reported that Council will not take action today on a resolution to publish the open space rule. Ms. Nordstrom noted that a resolution to publish the rule in the New Jersey Register will be considered at Council's next meeting.

Staff member James Humphries gave an overview on the comment period for the open space rule and reviewed the minor changes made to the rule due to the comments received. Members received the Comment Response Document in their packets.

Plan Conformance Committee

Ms. Nordstrom reported that a resolution is before Council to consider grant funding for municipalities in the Planning Area with terminated grants who want to reapply to the Plan Conformance Grant program. Ms. Nordstrom noted that Council staff wanted to provide clear guidelines and steps for these municipalities.

Resolution – Guidelines for Municipalities With Terminated Grants To Reapply To The Plan Conformance Grant Program

Chairman Rilee asked for a motion on the resolution.

Mr. Richko made a motion on the Resolution. Mr. Holtaway seconded it.

Member Walton left the meeting temporarily at 4:23pm.

Public Comment

Member Walton returned to the meeting at 4:24pm.

Deborah Post, property owner in Chester Township – Ms. Post commented the grant money should go to the landowners.

David Shope, Lebanon Township, NJ –Mr. Shope spoke in opposition of this resolution.

Vice-Chair Alstede left the meeting via tele-conference at 4:25pm.

Council Comment

Member Carluccio asked if municipalities have responded to the concept of this resolution. Ms. Nordstrom responded that Highlands staff have met with a municipality who is interested in working with the Council after being inactive. The municipality indicated that they would update the documents on their own. This conversation then led Highlands staff to prepare guidelines for other municipalities who may want to reapply to the Plan Conformance Grant program.

All members present voted on the Resolution. The Resolution was APPROVED 11-0.

RMP Update Committee

Committee Member Vohden reported that the RMP Update Committee met on January 5, 2016. Member Vohden provided the following report.

Monitoring Program Recommendation Report (MPRR)

Three Public Outreach Sessions have been scheduled to provide members of the public with an update on the RMP Monitoring Program and to present the draft indicators. These sessions are NOT public hearings, but rather information sessions where members of the public are invited to attend to learn more about this process. Margaret will be providing a brief overview presentation at 7:00pm and 8:00pm in each session. The remaining time will be available for attendees to review materials that will be available at the session and ask any follow-up questions they may have. Mr. Vohden then listed the dates and locations of the public outreach session.

Public Notices have been issued for these sessions and fliers are on the table in the entryway. Public Hearings will be held upon completion of the draft report and indicator analysis.

Member Tjank left the meeting via tele-conference at 4:28pm.

Fiscal Impact Assessment

Council Members have in their packets the full Phase 2 Report, the Sociodemographic and Real Estate Evaluation of the Highlands Region. Council Members are reminded that this report, as with the Phase 1 report, remain draft and confidential at this time. The full Draft Fiscal Impact Assessment Report will be made available to the public for comment upon its completion. Secondly, the Committee has recognized the complexities associated with the data collection and analysis in the Fiscal Impact Assessment. In order to assist Council Members and members of the public in its understanding of the reports, the Committee is considering holding a working session of the Highlands Council where Mr. Gunnells would further explain the data and analysis used in the Fiscal Impact Assessment.

Council Comment

Member Carluccio asked what the timeline is for the work session. Ms. Nordstrom responded that we anticipate the session will be held in April-May timeframe.

Chairman Rilee opened the meeting to the general public comments.

Public Comment

Hank Klumpp, Tewksbury, NJ – Mr. Klumpp spoke in opposition regarding Council's consultant, Regional Planning Association (RPA), and the Technical Advisory Committee (TAC) meeting he attended.

Helen Heinrich, NJ Farm Bureau – Ms. Heinrich commented on the progress Council has made regarding the open space program and the water fee.

Constance Stroh, Upper Rockaway River Watershed Association - Ms. Stroh commented on N.J. Fish and Wildlife's comment period for the Sparta Mountain Wildlife Management Area (WMA) Forest Stewardship Plan. Ms. Stroh asked if Council will be involved.

Member Carluccio asked if Council can interact with Green Acres. Chairman Rilee responded that we would be involved if asked. Member Vohden added that the project is creating new growth forest.

Member Dougherty was present at 4:40pm.

Wilma Frey, New Jersey Conservation Foundation – For clarification purposes, Ms. Frey commented on Ms. Stroh's comments regarding Council's involvement with the Sparta Mountain WMA plan. Ms. Frey noted that the property is located entirely in the preservation area. Ms. Frey claims the proposal does not appear to pay attention to the Highlands rules and RMP policies.

Deborah Post, property owner in Chester Township – Ms. Post spoke in opposition of the TAC process.

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
MEETING MINUTES OF JANUARY 21, 2016

Tom Laureys, Netcong – Mr. Laureys spoke in opposition of Council’s start time for its meetings.

Chairman Rilee responded that Council members come from all over the state and typically the public comment period does not happen at this time. Chairman Rilee added that meeting recordings are available on Council’s website.

David Shope, Lebanon Township, NJ – Mr. Shope made a request for a complete accounting of how much it costs to run the Highlands Council.

Council Comment

Member Carluccio made a request for Highlands staff to reach out to Fish & Wildlife regarding the Sparta Mountain WMA plan.

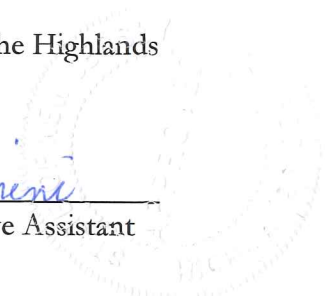
Member Holtaway made a motion to adjourn the meeting. Member Visioli seconded it. All were in favor. The meeting was adjourned at 4:55pm.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 2/18/16

Name: Annette Tagliareni
Annette Tagliareni, Executive Assistant



Vote on the Approval of These Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede						✓
Councilmember Carluccio			✓			
Councilmember Dougherty						✓
Councilmember Dressler			✓			
Councilmember Francis			✓			
Councilmember Holtaway		✓	✓			
Councilmember James	✓		✓			
Councilmember Richko			✓			
Councilmember Sebetich						✓
Councilmember Tfank			✓			
Councilmember Visioli			✓			
Councilmember Vohden			✓			
Councilmember Walton			✓			
Chairman Rilee			✓			



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: Landowner Equity and Land Preservation Committee
From: Margaret Nordstrom, Executive Director
Subject: Committee Meeting Minutes – December 29, 2015
Date: January 14, 2016

A Landowner Equity and Land Preservation Committee meeting was held on Tuesday, December 29, 2015 at the Highlands Council office in Chester. Committee Members present: Committee Chair Walton, Chairman Rilee (via phone), Committee Members Dressler, Francis and Visioli.

Staff Members present: Margaret Nordstrom, John Maher, James Humphries, Carole Diction and Sabina Martine

Also present via phone: Lisa LeBeouf, Assistant Counsel, Governor's Authorities Unit and Matt Kelly, DAG.

Committee Chair Walton opened the meeting at 2:33pm.

1. Landowner Equity and Land Preservation Program Update

a. Review of comment/response document:

214 Comments were received from 23 commenters. Comments have been summarized and combined with similar comments. The comment response document has been arranged into general topic areas. Chair Walton asked if there were any significant comments. The most significant comments received that needed to be addressed were regarding the dual appraisal methodology language, which could be misconstrued to suggest that values will be determined as of two different time frames. The rule has been revised to clarify this by referencing the existing dual appraisal statutes. Also, the applicant, not the owner, is the party responsible for obtaining appraisals and this has

been clarified in the rule. Additional minor revisions to the rule have been made to clarify issues raised during the comment response process. The changes recommended to the rule are contained at the end of the comment response document.

b. Application time periods and deadlines:

- Open Space Matching Grant Program - Recommend a July 1st deadline for applications and up to 120 days to make application complete. The rule provides for a maximum of two years for closing.
- HDC program - Recommend a minimum of three months to solicit and receive applications (from date of HDC bank authorization). Prior applicants will be contacted.
- The Committee will make recommendations for purchases of HDC's to the HDC Bank and recommendations for grant approvals under the Open Space Matching Grant Program to the Council.

c. Total funding available to Council and HDC bank (\$19, 601,823). Funding comes from the PSE&G Mitigation Fund, balance from EO114, NJDEP Enforcement funds, and interest.

- Approximately \$9 million would be used in the first round.
- Interest funds are recommended to be used for any outside administrative costs (closing costs reimbursements under the HDC purchase program, additional appraisal costs under the open space program, etc.)
- Balance from EO114 must be used for the HDC purchase program.
- Recommend that NJDEP Enforcement funding be used for the HDC purchase program, as their use is restricted to the Preservation Area.

d. Outreach Programs: Two programs have been prepared; one for the matching grant program, which will be directed to municipalities, counties and land conservation organizations. The second outreach program, for the HDC purchase program, will be directed to individual property owners.

e. Application Materials: The applications were created to be as simple as possible. The open space application is two pages and the HDC application is three pages.

2. Report on Landowner Equity Technical Advisory Committee (TAC)

Held on December 15, 2015, there was much discussion about how to improve the TDR program including suggestions to involve developers in the process and possibly using affordable housing transfer mechanisms.

January 14, 2016

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3. Water Fee Update

Staff is currently collecting data. The committee inquired as to why existing available data could not be used. The progress of the data collection may be discussed by the committee prior to the next full council meeting as requested by Committee Member Dressler.

The Committee adjourned at 3:35pm.



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: Plan Conformance Committee
From: Margaret Nordstrom, Executive Director
Subject: Committee Meeting Minutes— *Jan* January 6, 2016
Date: January 15, 2016

A Plan Conformance Committee meeting was held on Wednesday, January 6, 2016 (3:30pm) at the Highlands office in Chester. Council Chairman Rilee and Committee Members Dressler and Richko were present via phone; and Member Vohden attended in person.

Staff Members present: Margaret Nordstrom, John Maher, Chris Danis, Herb August, and Annette Tagliareni.

Also present: Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit, and Matt Kelly, DAG via phone.

Municipal Plan Conformance Grant Reapplication:

Ms. Nordstrom reported that guidelines and steps have been drafted for approved Highlands Planning Area municipalities with terminated grant contracts (or which have been dormant for some time) to reapply to the Plan Conformance Grant program. The Council will consider a resolution at its January meeting. The committee members received clear guidelines and steps for municipalities to reapply. After some discussion, Ms. Nordstrom asked for a motion to have Council consider a resolution at its January 21st meeting.

Chairman Rilee made a motion. Member Richko seconded it. All were in favor.

The meeting was adjourned at 3:45pm.

PUBLIC COMMENTS SUBMITTED AT HIGHLANDS
COUNCIL MEETING ON JANUARY 21, 2016

①

My name is Hank Klumpp. I own 150+ acres in the unjust Highlands Preservation Area.

I attended the Agriculture Resources Technical Advisory Committee meeting on December 16th, 2015. Perhaps I was expecting too much. After going on 12 years of coming here with concerns, I should have known better than to expect anything positive. The advisory committee's agenda included nothing that was brought up

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by the Impacted Landowner meeting which met on December 10, 2014. Corey Piasecki led the RPA meeting and had several blackboards with concerns on them but not one dealt with impacted landowners' concerns.

I realize that RPA is an urban research and advocacy organization whose recent initiatives include work in East Camden, Newark, Union County and in the Palisades.

③

Now, RPA prides itself in advanced thinking about the economic value of parks and the importance of large landscape conservation. All I could think of as I sat there was they love the fact that my farmland has been turned into a park.

The first of the proposed two meetings was a review of the proposed indicators under consideration for analysis.

RPA reports that after consideration by them, they fel-

(4)

Some indicators were found to be infeasible or not significant to the evaluation of the RMP and were excluded from analysis. A reason for an exclusion is the indicator does not fit into RMP's goals and policies. Do the concerns expressed at the Impacted Landowner meeting fall into the infeasible category?

Feasible is a word that both the advisory committee and the Highlands Council like

⑤

to use. This Council has stated many times that public questions will be answered when determined feasible. Well, I guess nothing I have been asking for going on 12 years has ever been feasible because I have never received an answer.

There is no reason to believe that when the second meeting, TAC 2, takes place that the

⑥

concerns of the Impacted
Landowners will be addressed
in any way. Now, you may
ask — Was this matter
questioned? Yes it was —
but if you dared question
the agenda at the December 16th
meeting, you were accused of
being OUT OF ORDER
and were scolded for it.

Outrageous !!!

When is the injustice of
the Highlands land value and
equity theft ever going

(7)

to be resolved? Will it
happen in my lifetime?

Are these questions feasible questions?

I will wait to see if I
get an answer !!!

Thank you!

Hank Klump
24 Longview Road
Lebanon, NJ 08833

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council or Council); and

WHEREAS, the Highlands Act, at N.J.S.A. 13:20-2 includes, among its findings, that “the new regional planning approach and the more stringent environmental regulatory standards should be accompanied, as a matter of wise public policy and fairness to property owners, by a strong and significant commitment by the State to fund the acquisition of exceptional natural resource value lands . . .”; and

WHEREAS, the Highlands Council established a Land Owner Equity and Land Preservation Committee whose mission, among other things, is to consider, evaluate and recommend to the full Council, programs and policies to advance and enhance, where possible, the statutory commitment to compensate Highlands property owners where appropriate; and

WHEREAS, the Council received, reviewed, and considered a final draft Landowner Equity and Land Preservation Program (the Program) that has been vetted through the Land Owner Equity and Land Preservation Committee; and

WHEREAS, the Program provides for an open space matching grant program that would incentivize property owners to seek out contributions from entities interested in land conservation by having the Council match such contributions and also provide that the Highlands Development Credit Bank, would purchase Highlands Development Credits on a priority basis identified in the Program, from certain landowners; and

WHEREAS, the Highlands Act, at N.J.S.A. 13:20-6(y), authorizes the Council to prepare, adopt, amend, or repeal, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (N.J.S.A. 52:14B-1 et seq. (APA) such rules and regulations as may be necessary in order to exercise its powers and perform its duties and responsibilities under the provisions of this act; and

WHEREAS, the Council determined that it would be appropriate to promulgate the Program as an administrative rule, pursuant to the APA; and

WHEREAS, on January 22, 2015 by Resolution 2015-3, the Highlands Council authorized and directed the Executive Director to initiate the rulemaking process in connection with the Program and to keep the Council advised and informed as to the status and progress of the promulgation of the program, and

WHEREAS, that prior to the Program being finally adopted under the APA, the Executive Director will provide a summary of the responses received in connection with the promulgation of the

proposed APA rules, and that the full Council will be called upon to vote to authorize the adoption of the Program as an administrative rule.

WHEREAS, on August 17, 2015, Proposed New Rule N.J.A.C. 7:70 was published in the New Jersey Register for public comment; and that the public comment period was open from August 17, 2015 to October 16, 2015; and

WHEREAS, a public hearing was held at the Highlands Council office in Chester, New Jersey on September 17, 2015 where public comment was taken; and

WHEREAS, public comment period was closed on October 16, 2015; and

WHEREAS, a Comment and Response summary document was prepared by Highlands Council staff, reviewed by the Executive Director and presented to the Highlands Council for review prior to the full Council being called upon to vote to authorize the adoption of the Program as an administrative rule; and

NOW, THEREFORE, BE IT RESOLVED, that the Highlands Council hereby authorizes the adoption of the Program as an administrative rule and directs the Executive Director to publish the Program's Notice of Adoption in the New Jersey Register upon which date the Program rule will become effective.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 3rd day of December, 2015.

Jim Rilee, Chairman

Vote on the Approval of
The Resolution

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	_____	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	_____	_____	_____
Councilmember Dougherty	_____	_____	_____	_____	_____	_____
Councilmember Dressler	_____	_____	_____	_____	_____	_____
Councilmember Francis	_____	_____	_____	_____	_____	_____
Councilmember Holtaway	_____	_____	_____	_____	_____	_____
Councilmember James	_____	_____	_____	_____	_____	_____
Councilmember Richko	_____	_____	_____	_____	_____	_____
Councilmember Sebetich	_____	_____	_____	_____	_____	_____
Councilmember Tfank	_____	_____	_____	_____	_____	_____
Councilmember Visioli	_____	_____	_____	_____	_____	_____
Councilmember Vohden	_____	_____	_____	_____	_____	_____
Councilmember Walton	_____	_____	_____	_____	_____	_____
Chairman Rilee	_____	_____	_____	_____	_____	_____



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

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JIM RILEE
Chairman

MARGARET NORDSTROM
Executive Director

MEMORANDUM

To: RMP Update Committee
From: Margaret Nordstrom, Executive Director
Subject: Record of RMP Update Committee Meeting of January 5, 2016
Date: January 15, 2016

The RMP Update Committee met on Tuesday, January 5, 2016 at the Highlands Council office in Chester. Committee Members present: Committee Chair Alstede, Member Vohden, and via phone, Council Chairman Rilee and Member Sebetich.

Highlands Council Staff Members present: Margaret Nordstrom, John Maher, Chris Danis, Judy Thornton, Corey Piasecki, Jim Hutzemann, Carole Ann Dicton, and Annette Tagliareni.

Also present via phone: Lisa LeBoeuf, Assistant Counsel, Governor's Authorities Unit.

Committee Chair Alstede called the meeting to order at 1:09pm.

The following topics were discussed:

Monitoring Program Recommendation Report (MPRR)

Staff reported that the first round of Technical Advisory Committee (TAC) meetings were recently held over four days, with the Natural Resource TAC taking a full day. Staff noted that generally we had positive feedback and were able to gather the information needed to move forward. Staff reported that the most common suggestion made by TAC members was that the number of indicators be significantly reduced in order to ensure that the final product is reasonably actionable. Staff anticipates receiving the TAC meeting summaries from the RPA consultant team by January 8, 2016. Once staff reviews these TAC summaries, they will be sent to Committee members after which the full Council will receive them. Ultimately, the TAC summaries will be posted on Council's website.

Public Outreach Sessions

The next three (3) public outreach sessions are scheduled for February 4, 9, and 11, 2016. The format will be slightly different from that of the stakeholder outreach workshops held early last year and will include an overview presentation. The public will have an opportunity to review display materials that explain what each section of the indicator reports will address; where we are in the MPRR process, and what draft Tier 1 indicators for each of the 10 topic areas have been selected for full analysis at this time.

Committee Member Vohden asked if the dates of the public outreach sessions are online. Staff responded that a public notice will go out shortly. It was also noted that Council members may attend any or all of the sessions as observers/participants. Staff emphasized that the public outreach sessions are different from the public hearings (which are tentatively scheduled for late summer/early fall).

MPRR - Next Steps

Staff indicated that after the public outreach sessions, a final indicator list will be compiled utilizing the information obtained through TAC meetings, public outreach sessions, consultant reports, and staff review. RPA will also be providing an online portal for purposes of communicating with TAC members as the process moves forward. This will allow for exchange of information with Highlands Council staff and gathering of any additional TAC member input.

Fiscal Impact Assessment (FIA)

Committee members received in their packets the full phase 2 report from PlaceWorks, titled "Socioeconomic and Real Estate Report." Staff noted that the phase 2 report, as well as phase 1 report ("Regional Economic Evaluation"), are still in draft form and remain confidential. Staff anticipates that the phase 2 report will be provided to the full Council for review at Council's next meeting. Staff emphasized that the report will not be discussed at this time.

Phase 3 of the FIA: Fiscal and Financial Report

Staff reported that Mr. Gunnells is working on gathering data for the phase 3 report ("Fiscal and Financial"). However, Mr. Gunnells has been instructed to complete the update of the phase 1 report as a priority since the completion of that report will dictate the start of the peer review. Staff suggested to the committee that a work session be held on all three reports of the FIA at Council's April meeting. Committee Chair Alstede thought this was a good idea.

RMP Update Committee – Next Steps

At our last committee meeting on November 10, 2015, committee members agreed that a draft policy statement should be developed, ultimately for consideration and adoption by the full Council, to address the criteria for, and the process to be undertaken with respect to future amendments to the RMP. Staff anticipates providing a draft of this policy to the committee in the coming months. Once finalized by the committee, the policy would be presented to the full Council as an item for adoption along with the MPRR, FIA, and Peer Review.

Staff anticipates that several companion documents to the RMP will be presented to the Highlands Council for adoption as the MPRR, FIA, and Peer Review come to a close. These companion documents (guidance or policy) are being created as part of this process. The documents include:

- Highlands Redevelopment Area Designation Guidelines
- Highlands TDR Planning Guidelines
- Highlands Designated Center Planning Guidance
- RMP Amendment Policy
- The MPRR
- FIA
- Peer Review of the FIA

February Council Meeting

Due to the various topics discussed at today's committee meeting, staff suggested that the full Council receive a presentation at its February meeting. This presentation would be consistent with what is being presented at the Public Outreach Sessions (an update on process and timing for completion of the project). The presentation would also include a slide or two detailing the various companion documents that will accompany the MPRR and FIA during the public hearing and adoption phase.

Next Meeting

The next two committee meetings were scheduled for:

Tuesday, February 16, 2016 at 1:00pm
Friday, March 11, 2016 at 2:00pm

The meeting adjourned at 2:04pm.